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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 4007**
Shigeru YAMAGO et al. : Attorney Docket No. 2005_0118A
Serial No. 10/523,824 : Group Art Unit 1713
Filed February 4, 2005 : Examiner Michael Bernshteyn

ORGANIC TELLURIUM COMPOUND,
PROCESS FOR PRODUCING THE SAME,
LIVING RADICAL POLYMERIZATION
INITIATOR, PROCESS FOR PRODUCING
POLYMER WITH THE SAME, AND POLYMER

Mail Stop Amendment

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

This is responsive to the Office Action of May 10, 2006, constituting a requirement for restriction among (I) claims 1-4, 10 and 11, (II) claims 5-7, 12-14 and 17, and (III) claims 9, 15-16 and 18-22. The requirement for restriction is traversed, for the reasons set forth below.

Initially, Applicants note that the International Preliminary Examination Report does not indicate lack of unity of invention.

The Examiner states that the inventions of Groups I-III do not relate to a single general inventive concept because they lack the same or corresponding special technical features. However, according to MPEP 1893.03(d), the expression "special technical features" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, "makes over the prior art." The Examiner has failed to cite any reference which indicates that any of the present claims fails to define over the prior art. Therefore, the

presumption is that the inventions of Groups I-III do have the same or corresponding special technical features.

For the above reasons, Applicants respectfully traverse the requirement for restriction.

Applicants also note that claim 8 is not included among any of the claims in Groups I-III. Perhaps the Examiner meant to include claim 8 in Group III.

In addition, it would appear that claim 20 should be included in Group II rather than Group III, since claim 20 is directed to the same subject matter as claim 17 (included in Group II) except that claim 20 is dependent on claim 13 (also included in Group II).

In order to be fully responsive to the Office Action, Applicants hereby elect the subject matter of Group I, i.e. claims 1-4, 10 and 11, with traverse.

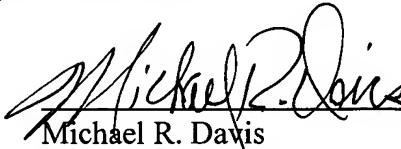
This election is made while reserving Applicants' rights under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter.

Action on the merits of all of the claims present in the application is requested.

Respectfully submitted,

Shigeru YAMAGO et al.

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